

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5008 OF 2016

ORDER:

This petition is filed by the petitioners-A1 and A2 under Section 482 Cr.P.C. seeking to quash the proceedings against them in P.R.C.No.34 of 2015 on the file of the Additional Judicial First Class Magistrate, Kothavalasa, Vizianagaram District.

Heard and perused the material available on record.

The petitioners are alleged to have committed the offence punishable under Section 3(1)(x) of the SCs & STs (POA) Act. It is the case of the prosecution that the 2nd respondent-de facto complainant, who is a carpenter, agreed to prepare cupboards in the house of the 1st petitioner for a sum of Rs.3,40,000/-. The 2nd respondent completed the work within one month. The 1st petitioner agreed to give Rs.1,20,000/- to the 2nd respondent as additional charges as he did extra work. The 1st petitioner has paid some amount to the 2nd respondent. The amount due to be paid is Rs.1,80,000/-. The 1st petitioner postponed the payment. On 23.4.2014 at 5 p.m., the 2nd respondent along with a mediator went to the house of the 1st petitioner and asked the amount. He refused to pay. Hence, the 2nd respondent lodged a complaint. Coming to know about the same, the 2nd petitioner asked the 2nd respondent to come to their house. When he along with mediator went to the house of the petitioners, they warned him and abused him in the name of his caste.

Considering the facts and circumstances of the case and the allegations made against the petitioners, this Court is not inclined to grant the relief sought by the petitioners.

At this stage, the learned Counsel for the petitioners has sought for dispensing with the presence of the petitioners before the trial Court.

In view of the above submission, the presence of the petitioners before the trial Court is dispensed with except on the date of framing of charges, on the date of their examination under Section 313 Cr.P.C. and on the date of pronouncement of judgment. The petitioners are directed to be represented through a Counsel before the trial Court on all hearing dates.

Accordingly, the Criminal Petition is disposed of. Consequently, the miscellaneous petitions pending in this petition, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 12.4.2016

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DATED 12.4.2016

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